



Community Development Department

BISMARCK BOARD OF ADJUSTMENT MEETING AGENDA JUNE 2, 2011

Tom Baker Meeting Room	4:00 p.m.	City-County Office Building
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MINUTES

1. **Minutes.** Consider approval of the minutes of the April 7, 2011 meeting.

REQUESTS

2. **812 Airport Road** (Miller & Sons Storage & Leasing) Request for a variance to reduce the front yard setback from 15-feet to 9-feet for the purpose of constructing a storage facility at the above-mentioned property.
3. **620 N. 21st Street** (Ania Diaz Gonzalez) Request for a variance to reduce the front yard setback from 25-feet to 21-feet for the purpose of constructing a covered deck.
4. **7500 Gray Fox Lane** (Paul Jundt) Request for a variance to reduce the front yard setback from 40-feet to 30-feet for the purpose of constructing a detached garage.

ADJOURNMENT

5. **Adjourn.** The next regular meeting date is scheduled for July 7, 2011.

Bismarck-Burleigh County Community Development Department
221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 7, 2011**

The Bismarck Board of Adjustment met on April 7, 2011 at 4:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Board members present were Michael Marback, Blair Ihmels, Dean Conrad, Ken Heier, and Jeff Ubl.

Members absent were Jennifer Clark.

Staff members present were Ray Ziegler (Building Official), Gregg Greenquist (Planner), Laura Stroh (Office Assistant), and Kim Riepl (Office Assistant).

Others present were Tony Wilson, Bismarck.

MINUTES

Chair Marback asked for consideration of the March 3, 2011 minutes.

MOTION: A motion was made by Mr. Conrad and seconded by Mr. Ubl to approve the minutes of the March 3, 2011, meeting as presented. With all members voting in favor, the minutes were approved.

VARIANCE – TONY WILSON-3851 PRAIRIE PINES LOOP

Mr. Marback stated the applicant was requesting a variance to exceed the maximum allowable area for an accessory building for the purpose of constructing a detached 24-foot by 40-foot building at the above mentioned property. He further stated the request to be for 96 square feet over the maximum area allowed.

Mr. Wilson used an aerial view of his property to provide answers to questions of the Board, saying that access to the proposed accessory building would be gained via an extension of the driveway to the northwest, which would be for his camper only. He also pointed out a rock garden and the location of the septic system drain field.

Mr. Conrad stated he did inspect the area for the proposed accessory building, as did the other Board members, as well as the surrounding neighborhood. He made the comment that the lots are nice, with few stand-alone garages, and a number of RVs parked outside. He reported speaking with one of the neighbors who stated he was in favor of the variance request as he hoped to put a similar building on his property.

Mr. Ubl asked if the design of the accessory building was consistent with the existing buildings and Mr. Wilson replied it would be and further stated there are strict standards in place that require all accessory buildings to be of the same material as the primary structures to maintain the good looks of the area.

Mr. Ihmels questioned whether there was any intent for use of the accessory building other than storage, such as a business use, and Mr. Wilson replied it was strictly for his camper to improve the appearance of the property by not having it sitting out and to protect his

investment from weather-related damage and deterioration. Mr. Wilson added that a shorter building length was not an option due to the length of the camper, and narrowing the width from the 24-foot trusses he ordered would greatly harm the aesthetics, and that is the reason for his variance request.

Mr. Ubl asked how it came to be that Mr. Wilson ordered trusses in that size and then found them to be too wide. Mr. Wilson explained the situation resulting in his request for an additional 96 square feet of allowable area. He stated that upon first calling the Building Inspections Department, measurements of the attached garage rather than the detached garage were used to calculate the remaining allowable square footage available for an accessory building. The size he wished to construct exceeded that amount by 24 square feet, and he was informed that it shouldn't be a problem. He proceeded to order trusses that were 24-feet wide which were discounted at that time. He was subsequently hospitalized, preventing him from going in for his building permit right away. When he went into the Building Inspections Department for his permit, the allowable lot area was again calculated, but this time using the correct measurements for the detached garage which resulted in being 96 square feet over the allowable limit. In the meantime, he now has trusses that are 24-feet wide. Mr. Ziegler confirmed this explanation was correct according to his understanding.

There was one letter received from an adjacent property owner in opposition of the variance request and three letters received stating no objection to the request. It was noted the concerns expressed in the letter of opposition were that of a possible business being run from the property and that the building conform to the standards of the covenants, and that both these issues had been addressed.

Mr. Heier stated this appears to be a minor variance, but in view of the interpretation of the ordinance previously given by the City Attorney, he questioned the existence of a hardship other than the order of materials. Mr. Marback concurred with that thought, but introduced the idea that, although it is hearsay, the applicant was supplied misinformation that led to this (circumstance). He added that reducing the building size to 20'x40' would make it compliant, at which point Mr. Wilson stated his concern over the appearance of such a long, narrow building, which was echoed by Board members. Mr. Marback then suggested the materials could possibly be returned to the supplier.

The following findings were provided:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.

MOTION: A motion was made by Mr. Ihmels to approve the request for the variance to allow the applicant to exceed the maximum allowable area for an accessory building with discussion to follow to allow for clarification of the motion. The motion was seconded by Mr. Heier, and discussion followed.

Discussion: Mr. Ihmels stated he based his motion on a circumstantial hardship resulting from staff making a mistake and the applicant now having material on the ground which he ordered based on information provided to him by staff. He added that he does have reservations due to not wanting to set a precedence, however, it may be time to re-examine the ordinance relating to accessory buildings as things seem to be trending towards this circumstance.

Mr. Heier agreed with the statements made by Mr. Ihmels. Mr. Ubl inquired as to how the (allowable) size for an accessory building was originally set up, and was it arbitrary? Mr. Ziegler responded he supposed perhaps in the beginning, with the intent being to avoid commercialized-looking facilities, but he acknowledged that to be the trend with people purchasing larger lots to accommodate their boats, RVs, etc. Mr. Marback added that the RVs continue to increase in size, with upwards of 40-feet in length not being unusual. Mr. Ziegler continued by saying the original intent (of the language of the ordinance) to eliminate the running of a business is often referred to, but he emphasized that factor is uncontrollable (by limiting building size), as you could run a business from inside of a doghouse. Mr. Heier stated this was really a separate issue, to which Mr. Ziegler agreed.

CALL FOR VOTE: Chair Marback called for a vote on the motion made by Mr. Ihmels and seconded by Mr. Heier. With Mr. Conrad voting opposed and Mr. Ubl, Mr. Heier, Mr. Ihmels and Mr. Marback voting in favor, the motion to approve the request for the variance to allow the applicant to exceed the maximum allowable area for an accessory building was passed.

OTHER BUSINESS

Mr. Ziegler, in response to a question posed by Mr. Conrad, provided an update on the general compliance relating to the City's request for removal of portable storage containers, noting the trailers at the Ramkota Hotel are still there and seem to be the source of most calls. He indicated the hotel is remodeling, with completion to be somewhere around the end of April, at which time the containers will be removed.

Mr. Conrad then asked what role the Board of Adjustment has in the enforcement of the storage container ordinance. Mr. Marback stated he felt it to be the Board's responsibility to enforce the ordinance the City has in place. For instance, if someone were to file a complaint, and the complaint was appealed, it would then come before the Board of Adjustment. Mr. Ziegler added the complaint could originate administratively through his office as well, although he said zoning ordinance violations most often originate from a complaint that has been filed as the Building Inspections Department consists of a co-mingled group and simply doesn't have the staff necessary to hunt for violations, rather, a complaint comes in and is then acted on.

Mr. Ziegler then turned attention to a question that again came up at this meeting regarding the 1,800 (maximum) square footage allowed for accessory buildings. He announced he had visited with Planning staff requesting they consider a straight 10% lot coverage (formula) just as it is done for lots within city limits. He added that city lots are granted 30% lot coverage. He stated they are questioned all the time as to why only 1,800 square feet is allowed as people complain they buy the bigger lot because they want to build bigger and they have bigger stuff. Another complaint is that they don't want one big building, they want several smaller buildings and they don't want to add it on to their house. Mr. Ziegler indicated if a property owner had enough money and was willing to attach it on to their house, they could have a 15,000 square foot garage; *if* they had the money. He stated it isn't really fair to cater to the rich. He said Planning staff will take up future discussions on this item and he alerted the Board that they would likely be brought in to the discussions for their feedback. Board members stated these requests have become more frequent and they struggle with each one, whereupon they began citing specific recent examples.

Mr. Ubl remarked that many of these buildings purchased from building supply centers are a standard size and any variations from that size become expensive, and this makes the flexibility with the percentage (of lot coverage) easier and more appealing. Mr. Ziegler agreed, and added it also puts much less burden on the staff.

Mr. Heier used the application for this meeting as an example to see what the allowable square feet for the building would have been using a 10% lot coverage formula. The lot was 85,000 square feet, resulting in 8,500 square feet available, and Mr. Ziegler reminded the Board that was for everything, the house, the garage, and accessory buildings. He also added the 10% was just a figure to start with; it could be 8% or whatever, but it's got to start somewhere.

Mr. Ubl asked Mr. Ziegler if he's gotten any information as to what other communities are using for their calculations. He replied that he really hasn't, but has talked with Carl (Hokenstad) and Kim Lee. He further stated Gregg (Greenquist) will be meeting with them as well as Laura (Stroh), as she has a lot of background with what people are requesting at the counter. He thought he recalled seeing 10% in other places, but he added that as we (the City) expand out and bring these areas into our jurisdiction, then do we go 30%? He stated it just doesn't seem right the way it is now. Mr. Ubl agreed that a straight percentage seemed better, with a definite limit, rather than always increasing the square footage.

Blair Ihmels departed.

Mr. Marback said it would be nice to know what other communities such as Fargo and Grand Forks are doing in this area. He assumed Fargo has an ordinance enforcement officer, and Mr. Ziegler explained Fargo has property maintenance inspectors, but it got into rental units and other issues dealing with zoning, eventually charging fees for licensing and annual inspections, issuing fines, etc., and they found out quickly that it was a self-supportive program. He indicated he has advocated for years that we (City of Bismarck) need to get to that point with all the growth, further stating there will be a price to pay for not keeping up with it. A great looking city is no accident, it takes rules and it takes enforcement, because not everybody wants to have a good looking building.

Mr. Ubl referred to an "administrative" variance if an applicant is slightly over and asked Mr. Ziegler what the comfort zone is for that. Mr. Ziegler replied there really was no comfort zone, it's more of a realistic zone. He explained that if it is 5 or 10 square feet over, is that really

worth taking to the Board (of Adjustment), holding projects up for a month? Not in his opinion, although it is a gray area. Mr. Heier agreed that there are gray areas, for instance with side yards (setbacks), and are you going to make someone move a basement because they are over by an inch?

Mr. Ziegler concluded by saying he could come before the Board and ask for some tolerance of a 5% or 10% overage, but that is a tough one, too.

ADJOURNMENT

There being no further business, Chair Marback declared the meeting of the Bismarck Board of Adjustment adjourned to meet again on May 5, 2011.

Respectfully Submitted,

Kim Riepl
Recording Secretary

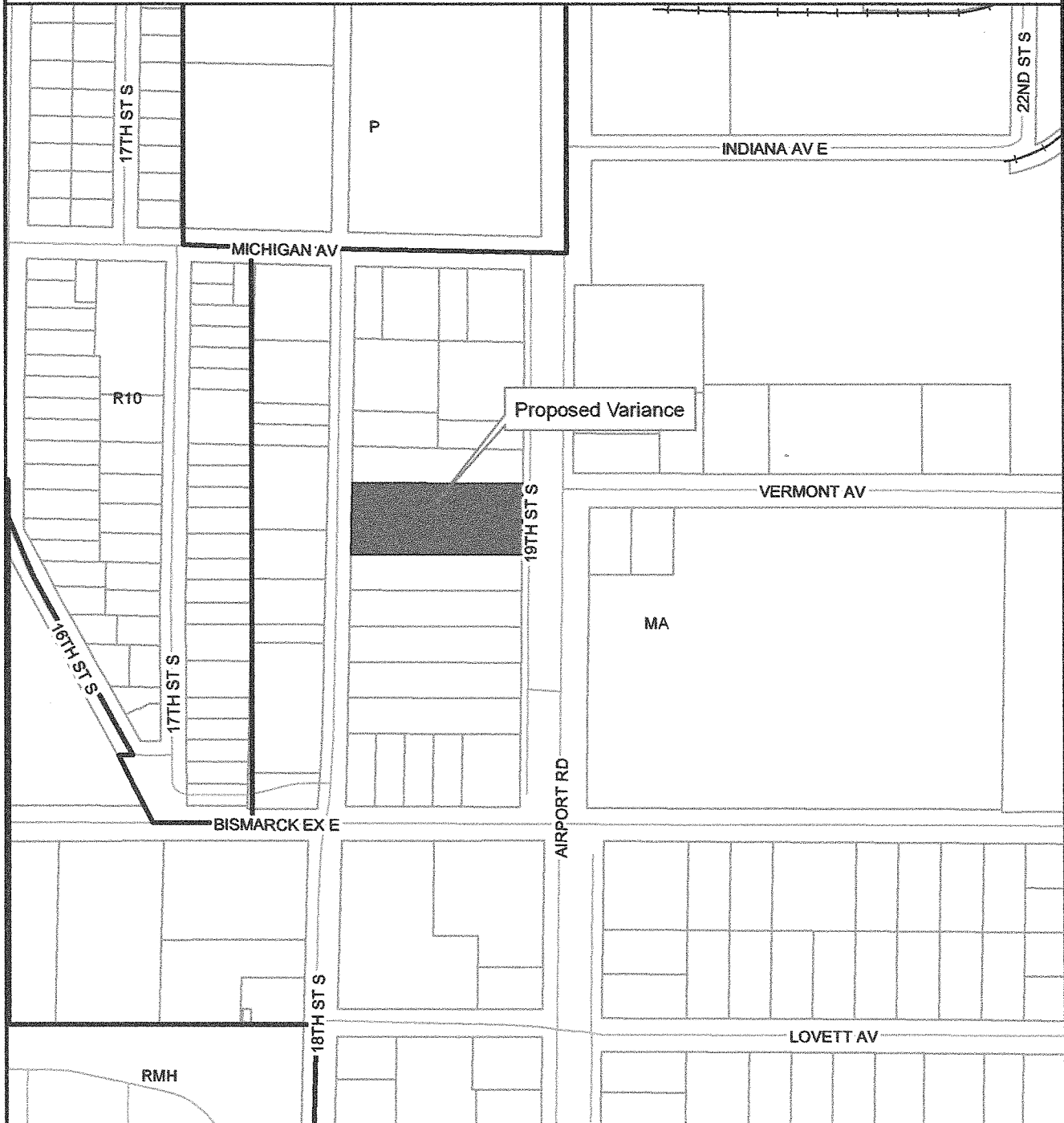
APPROVED:

Michael Marback, Chair

**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: 812 Airport Road – front yard setback for a storage unit building (reduce from 15-feet to 9-feet) (Lots 11-12, Block 1, Airport Road Addition)	
Status: Board of Adjustment	Date: June 2, 2011
Owner(s): Miller & Sons Storage and Leasing (Dale Miller)	
Reason for Request: For a new building containing several rental storage units, the applicant is requesting to construct the building 9-feet from the front property line along 18 th Street.	
Location: In south Bismarck, a double-frontage lot located between Airport Road and 18 th Street South, halfway between Michigan Avenue on the north end of the block and Bismarck Expressway on the south end.	
Applicable Provision(s) of Zoning Ordinance: 14-04-14(6). Front yard. A fifteen (15) foot front yard shall be required of any building in an MA industrial district except that all structures located on principal arterials shall have a fifty (50) foot front yard . . . <i>(note: South 18th Street is not classified as a principal arterial)</i>	
FINDINGS:	
<ol style="list-style-type: none">1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the MA zoning classification.2. The hardship is not caused by the provisions of the Zoning Ordinance.3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.	
RECOMMENDATION:	
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.	

**Proposed Variance
812 Airport Road
Lots 11 & 12, Block 1, Airport Road Addition**

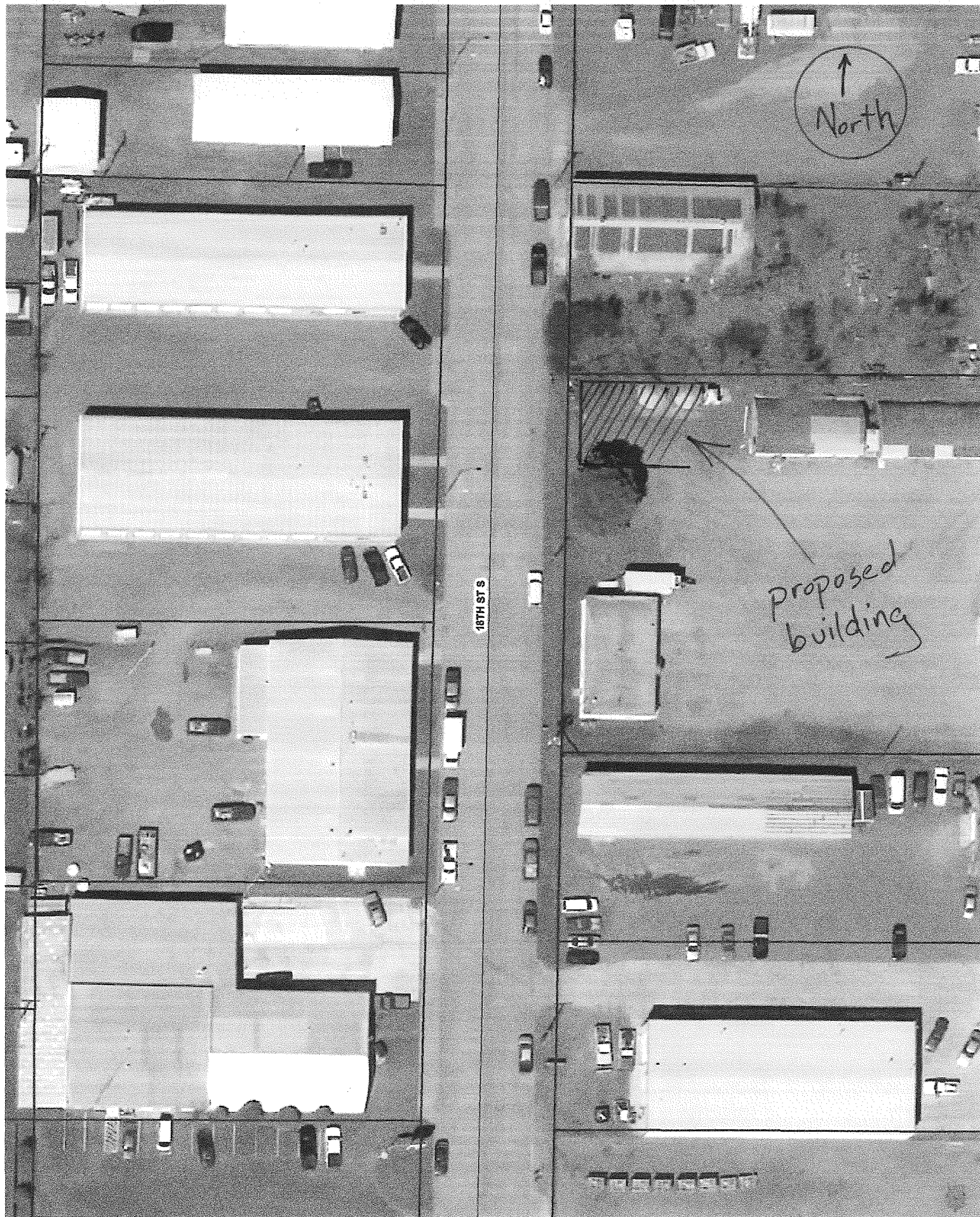


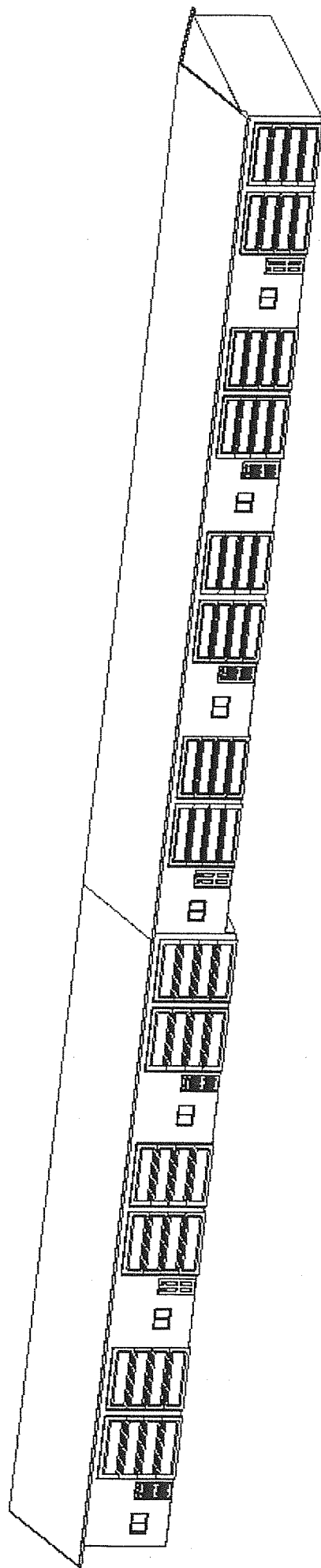
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: May 11, 2011 (klr)

Source: City of Bismarck



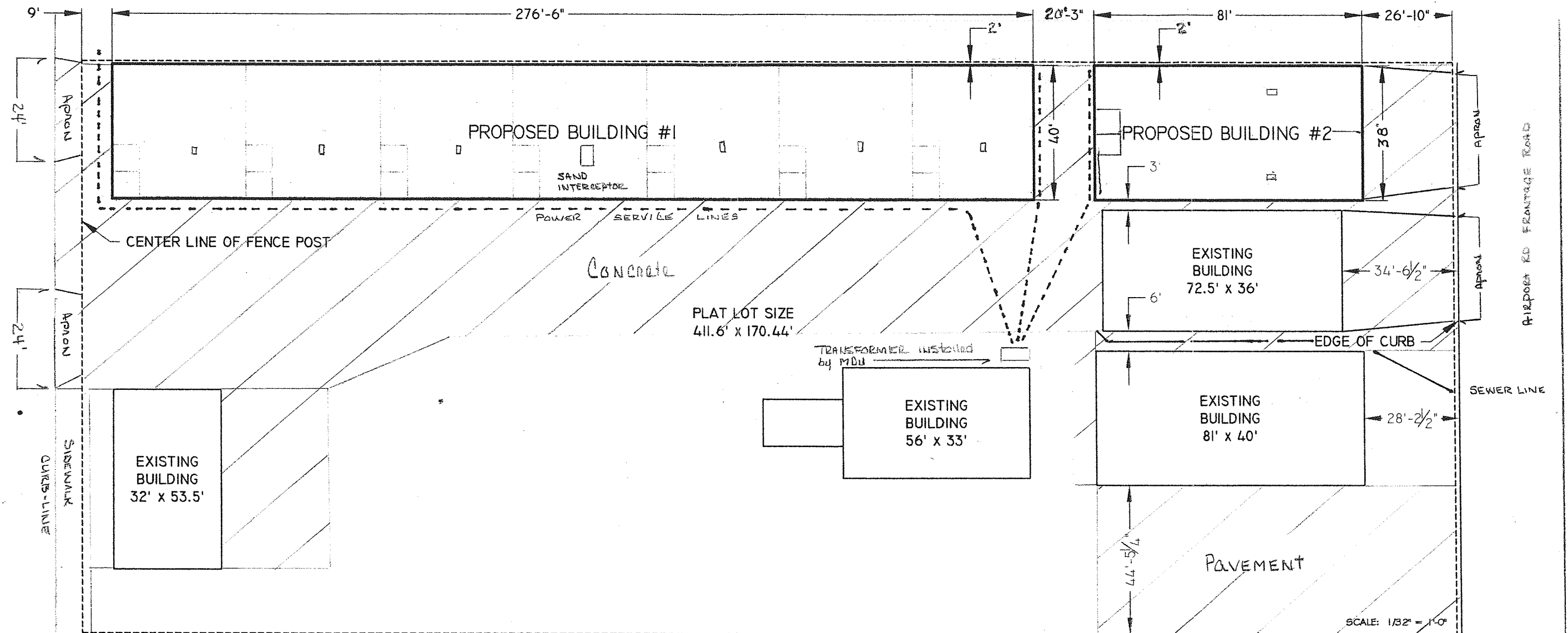
0 270 540
Feet





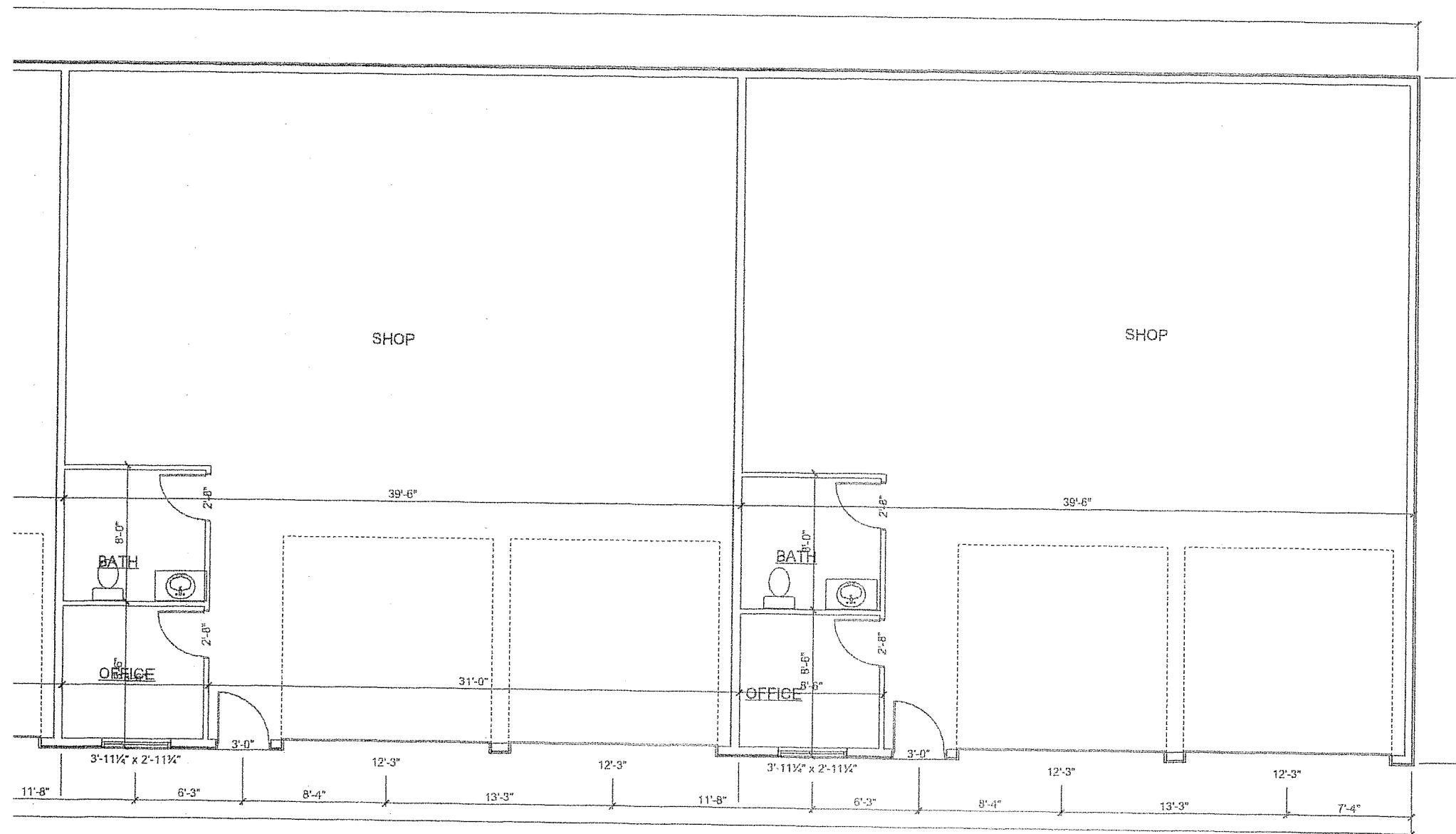
FIRE HYDRANT LOCATION → ○
APPROXIMATELY 80' FROM
PROPERTY

○ FIRE HYDRANT LOCATION



MILLER STORAGE - SITE #2
PROPOSED HEATED SHOPS FOR LEASE
ALL CONTAINING OFFICES, BATHROOMS
AND FLOOR DRAINS

typical units



CITY OF BISMARCK/ETA & BURLEIGH COUNTY

APPLICATION FOR APPROVAL OF A VARIANCE

WRITTEN STATEMENT

1. Property Address or Legal Description: BKS 11,12 Airport Rd Addition
2. Location of Property: ☒ City of Bismarck ☐ ETA ☐ Burleigh County
3. Type of Variance Requested: FRONT YARD SETBACK
4. Applicable Zoning Ordinance Chapter/Section: _____
5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)
At present adjacent bldg to north has no setback, Bldg is on property line. This would provide uniformity for my project & improve landscape appearance.
6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.
Bldgs have a specific design for access reasons, all units having double overhead doors side by side, spacing between doors at present is minimal. These rental shops are of standard size (1500/1400 sq ft promoting easy access
7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.
At present I have a gentlemen's agreement with city water dept & Tiran Fuller to maintain a 20ft spacing between bldgs because of a watermain going thru property. This is an unrecorded easement preventing me from moving bldg back. Only other choice would be total Bldg re-design limiting interest & accessibility.

COPY

Bismarck

CITY OF BISMARCK
 BUILDING DIVISION
 221 N 5TH ST
 BISMARCK, ND 58506-5503
 PH (701) 355-1465

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE:

9.20.10

JW

CONTACT INFORMATION:

1. Name:

MILLER & SONS Storage & Leasing

2. Phone Number:

701-220-8709

3. Property Address:

813 S 18th St

4. Location of Property:



City of Bismarck



ETA

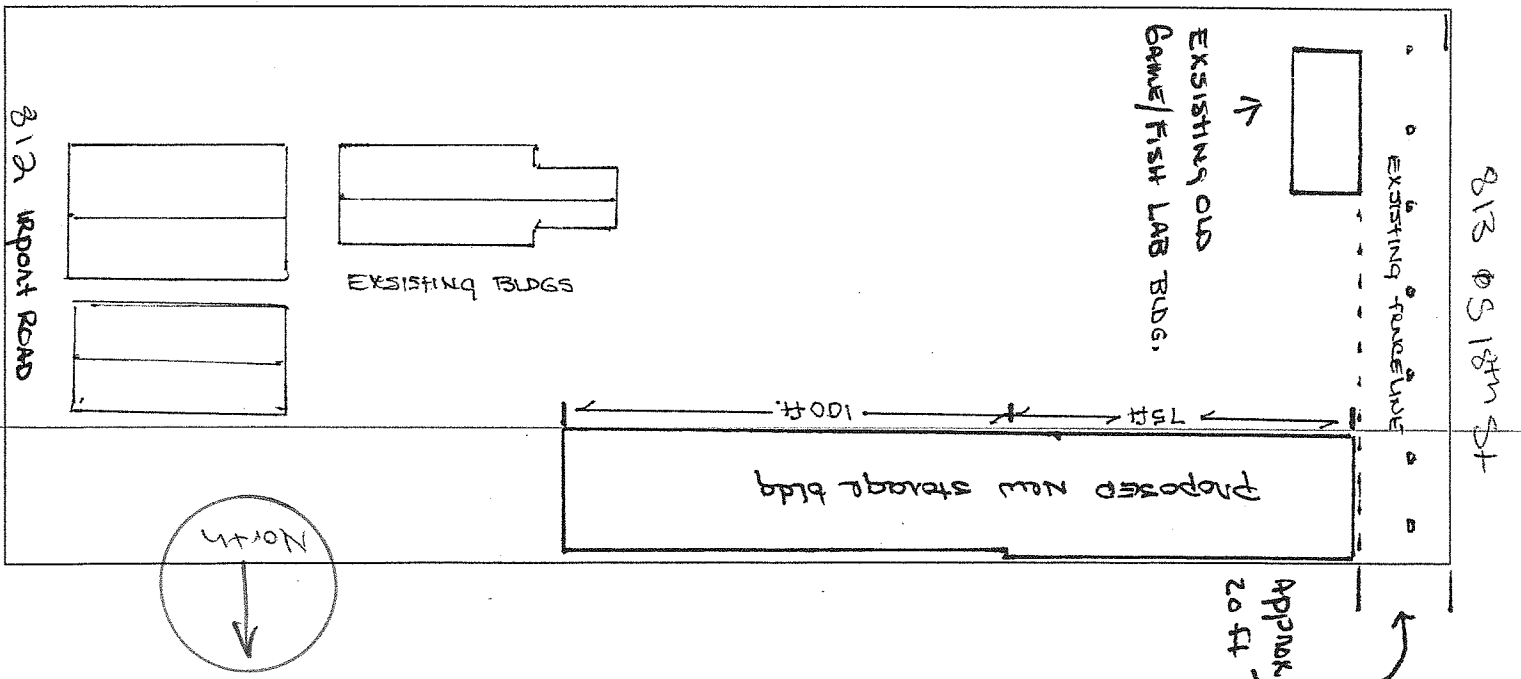


Burleigh County

5 Reason for variance

Purpose would be mainly for curb appeal, both bldg to North AND South have both approximately 20 ft 9-foot frontage, 10 ft on west side of property line AND 10 ft. from property line East to bldg. Would just look good to keep every thing in line. Reduce front setback from 15' to 9'.

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.



7. Your application has been reviewed. It has been:

☐ Approved

☒ Denied

Reviewed By:



Date:

8/20/10

8. Reason for denial:

per ordinance 14-04-14(6)
15' front yard setback required

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

COPY

**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: 620 North 21 st Street – front yard setback for a covered porch (reduce from 25-feet to 21-feet) (Lot 11 and the north half of Lot 12, Clifford's Subdivision)	
Status: Board of Adjustment	Date: June 2, 2011
Owner(s): Ania Gonzalez	
Reason for Request: For a covered front porch, the applicant is requesting to construct the porch 21-feet from the front property line along 21 st Street.	
Location: In east central Bismarck, on the west side of 21 st Street between Avenues B and D East.	
Applicable Provision(s) of Zoning Ordinance: 14-04-06 (7). Front yard. Each lot shall have a front yard of not less than twenty-five (25) feet in depth.	
FINDINGS:	
<ol style="list-style-type: none">1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the R10 zoning classification.2. The hardship is not caused by the provisions of the Zoning Ordinance.3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.	
RECOMMENDATION:	
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.	

Proposed Variance
All of Lot 11 & N1/2 of Lot 12, Block 22, Clifford's Subdivision



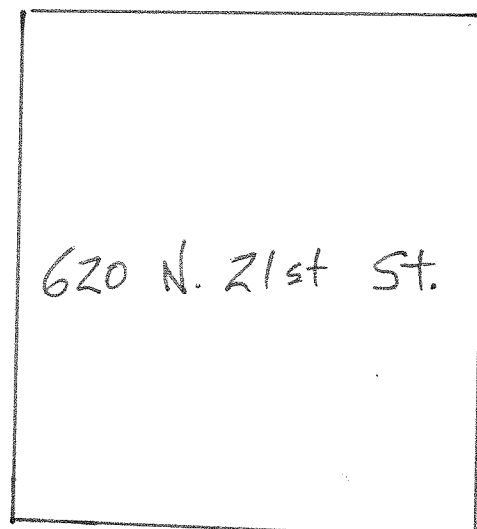
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 11, 2011 (klr)

Source: City of Bismarck



0 195 390
Feet

North



29'

proposed
covered
deck

21'

8'

21st St. N.



**CITY OF BISMARCK/ETA & BURLEIGH COUNTY
APPLICATION FOR APPROVAL OF A VARIANCE
WRITTEN STATEMENT**

1. Property Address or Legal Description: 620 N. 21ST ST. Bismarck ND 58501

2. Location of Property: ☒ City of Bismarck ☐ ETA ☐ Burleigh County

3. Type of Variance Requested: _____

4. Applicable Zoning Ordinance Chapter/Section: _____

5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

I would like to build a covered (Porch or Deck).
To extend my roof over IT and I would like it
to be 8 FT long.

6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.

The last 2 winters I had water fitter into my
front door and screendoor and had to have them
replace. I'm seeking to protect my doors and
windows.

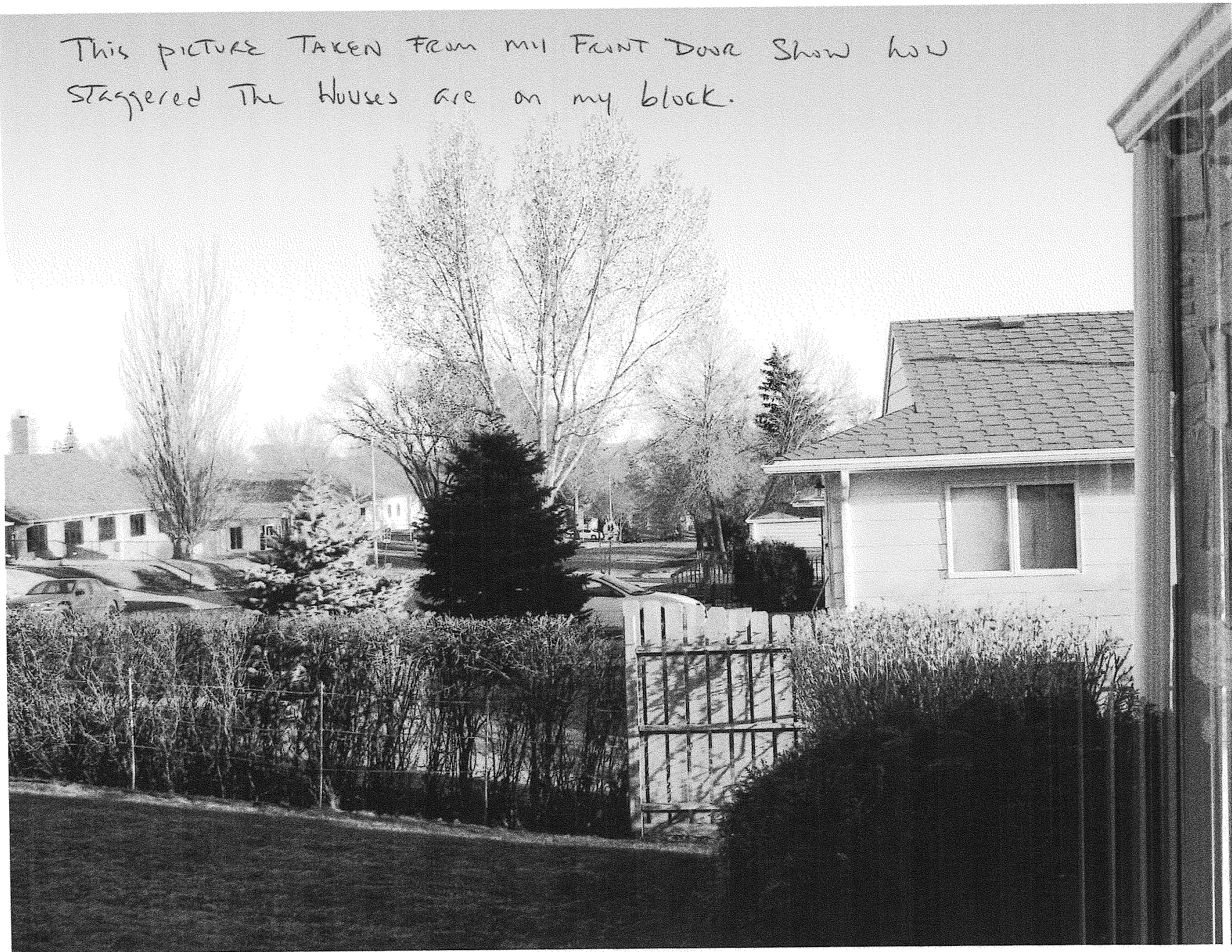
7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

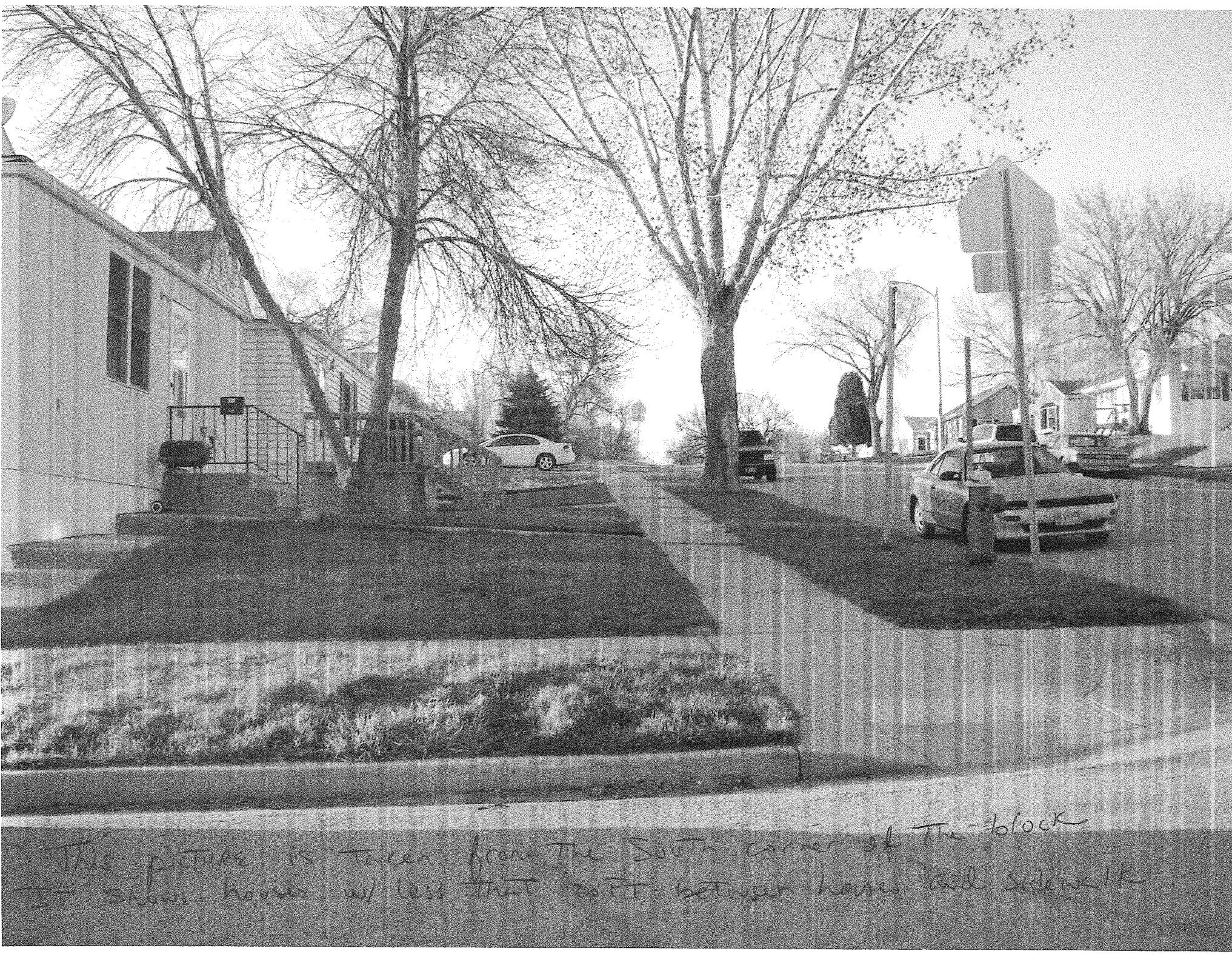
I also want to build something that would
make the house look good and my neighbourhood
look good as well. And IT will allow me
to have chairs and decorations in front of
my house.

Picture of my house.



This picture TAKEN FROM MY FRONT DOOR SHOW HOW
STAGGERED THE HOUSES ARE ON MY BLOCK.





This picture is taken from the South corner of the block
It shows houses w/ less than 20 ft between houses and sidewalk

Bismarck

COPY

CITY OF BISMARCK
 BUILDING DIVISION
 221 N 5TH ST
 BISMARCK, ND 58506-5503
 PH (701) 355-1465

Ray apper

CITY OF BISMARCK / ETA & BURLEIGH COUNTY

RECEIVED DATE: 4/18/2011

CONTACT INFORMATION:

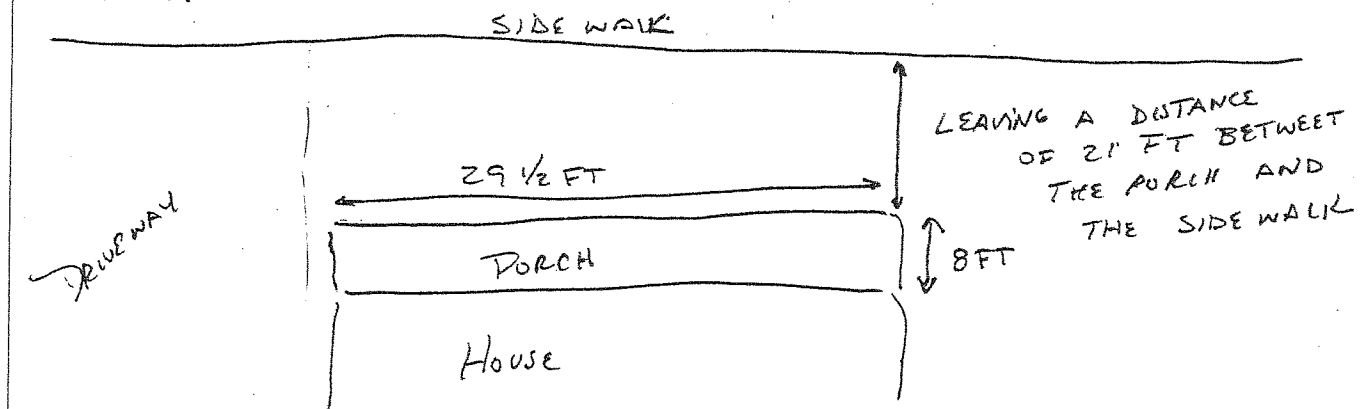
1. Name: ANIA DIAZ GONZALEZ
2. Phone Number: H 258-1800 C 471-5430
3. Property Address: 620 N. 21ST ST - BISMARCK - ND - 58501
4. Location of Property: ☒ City of Bismarck ☐ ETA ☐ Burleigh County

- 5 Reason for variance I WANT MY HOUSE TO LOOK BETTER TO BE
ABLE TO HAVE A FEW CHAIRS OUT FRONT, IT WILL
ALSO PROTECT MY WINDOWS AND DOOR FROM
RAIN + SNOW
I CURRENTLY HAVE 29 FT FROM SIDE WALK TO THE HOUSE

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.

(covered)

THE STRUCTURE FOR THE PORCH WILL BE LIKE
 THE FOLLOWING



7. Your application has been reviewed. It has been:

☐ Approved

☒ Denied

Reviewed By:

Ray Jan

Date:

4-20-11

8. Reason for denial:

A covered porch is not an allowable
projection into the 25' front yard setback.

Please make the corrections and resubmit the application

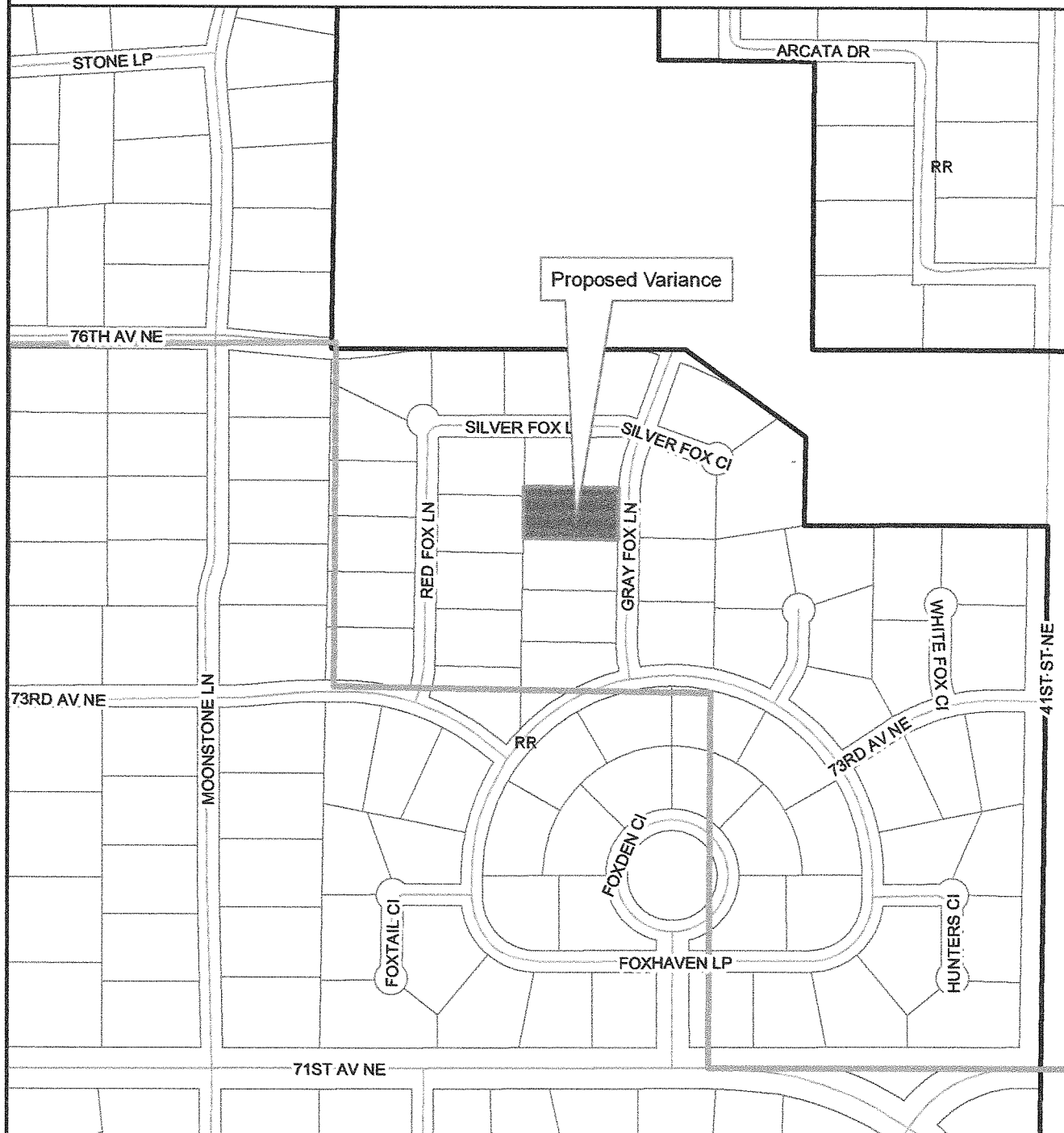
Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

left message 4/26/11 lw

**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

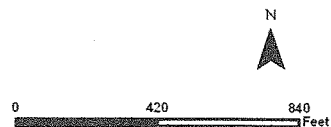
BACKGROUND:	
Title: 7500 Gray Fox Lane – front yard setback for a detached garage (reduce from 40-feet to 30-feet) (Lot 7, Block 2, Foxhaven First Subdivision)	
Status: Board of Adjustment	Date: June 2, 2011
Owner(s): Paul Jundt	
Reason for Request: For a detached garage, the applicant is requesting to construct the garage 30-feet from the front property line along Gray Fox Lane.	
Location: Northeast of Bismarck in Foxhaven First Subdivision located 1¼ miles east of US Hwy 83 on 71 st Avenue, NE, then approximately ½ mile north, on the west side of Gray Fox Lane between Silver Fox Lane and Foxhaven Loop.	
Applicable Provision(s) of Zoning Ordinance: 14-04-01 (7). Front yard. Each platted lot shall have a front yard not less than forty (40) feet in depth as measured from the front property line.	
FINDINGS:	
<ol style="list-style-type: none">1. The need for a variance may be based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR zoning classification.2. The hardship is not caused by the provisions of the Zoning Ordinance.3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.4. The requested variance is the minimum variance that will accomplish the relief sought by the applicant.5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance; however, it is doubtful that it would be injurious to the neighborhood or otherwise detrimental to the public welfare.6. This property is in the ETA area of joint jurisdiction. Burleigh County will have the opportunity to comment.	
RECOMMENDATION:	
Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board. If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.	

Proposed Variance
Lot 7, Block 2, Fox Haven 1st Subdivision
7500 Gray Fox Lane

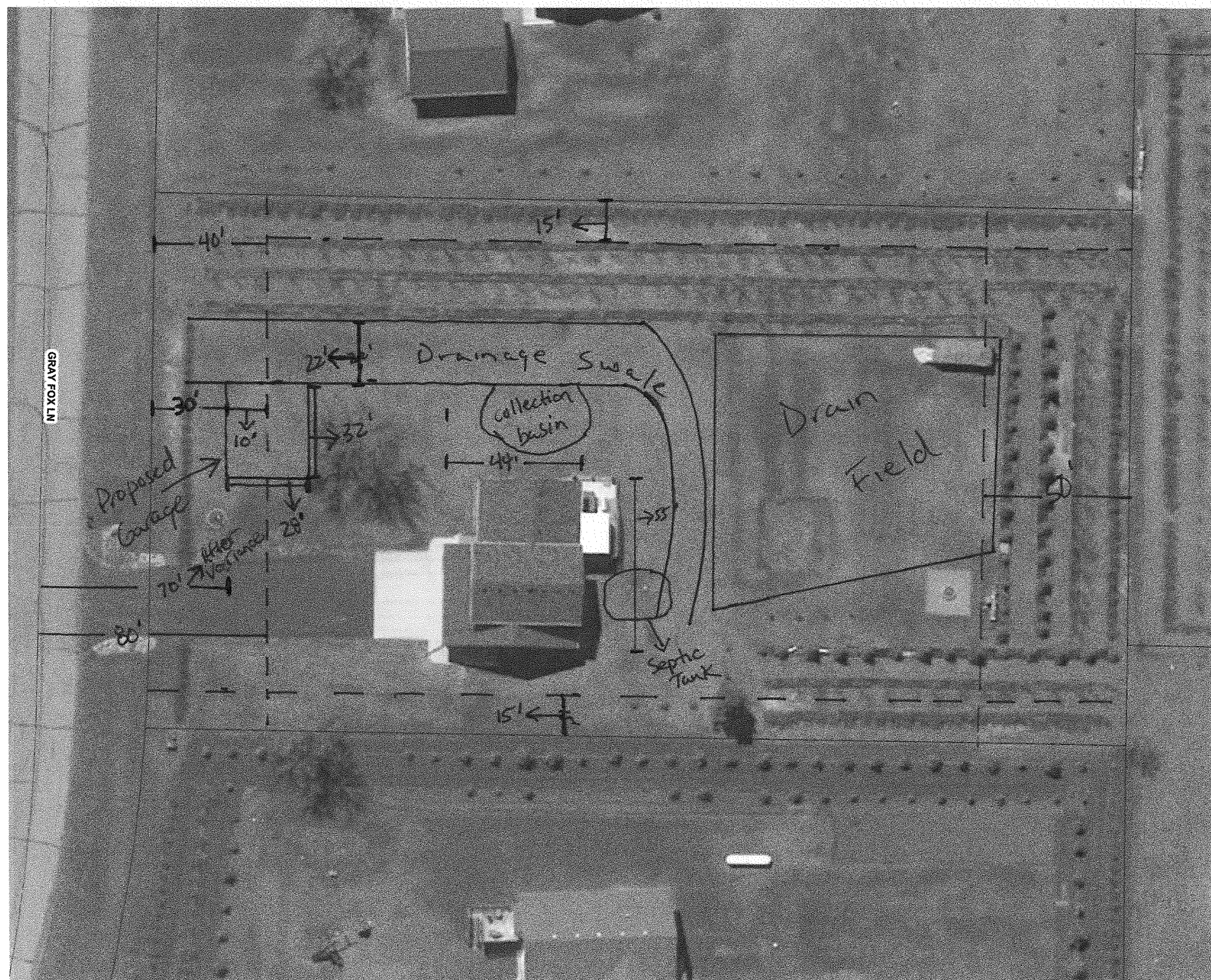


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Map was Updated/Created: May 18, 2011 (kk)

Source: City of Bismark



North
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APPLICATION FOR VARIANCE

WRITTEN STATEMENT

Question #5:

Lot 7, Block 2, Fox Haven 1st addition is a narrow, rectangular lot with limited options for construction of a detached garage. The lot has a gradual slope from west to east. This lot is unique and unlike the others on the block in that it has a drainage swale and a collection basin that was designed and created by the builder of the primary residence. These areas are to provide a path for water runoff to the drainage ditch in the front of the property. This lot collects a large amount of snow during the winter due to shelterbelts that have been planted on all sides of the lot. The spring snowmelt makes the swale and collection basin necessary. These areas also provide relief during periods of heavy rainfall in summer, fall, and spring. The current setback requirement combined with the topographical features and existing septic system on the lot severely reduce the possible areas where the detached garage can be constructed without creating an asymmetrical placement of buildings on the property. The attached overhead photo of the lot shows locations of the septic system drain field and natural drainage swale around the primary residence. Also shown are the shelterbelts located on all sides of the lot that reduce the amount of usable area for the detached garage. The collection basin is visible on the south side of the primary residence which connects to the swale that runs around the primary residence. All utility lines run on the north side of the property and require a 15 foot sideyard setback for access. Due to all of the aforementioned items, the only logical and reasonable location for the detached garage is to the immediate east of the primary residence, or almost directly in front of it.

Question #6:

The above physical limitations and existing setback would require the construction of the detached garage to be almost directly in front of the primary residence and very close to it. Such placement of a detached structure would not correspond with the placement of other detached structures on the block and would likely devalue the property. The current setback requirement would require that the structure be placed in close proximity to the primary residence. This would take up much of the existing front lawn area and would give the property a cramped and asymmetrical look as the buildings would be in very close proximity to one another with a considerable amount of space in front and behind each building. This asymmetrical placement of the structure could reduce the resale value of the property and again would cause it to be unlike the other homes in the area. It is possible that this would affect the resale value of the surrounding homes as well. The property has a large tree located near the area where the garage would have to be placed under the existing setback requirement. The detached garage would be 5 feet from the base of the tree and would have to be built underneath the foliage of the tree. This would make any siding and roof work on the detached garage difficult. Placing the detached garage so close to the tree puts it at risk for damage due to possible falling branches. During storms, this tree has lost branches as long as 15 feet due to high winds. Moving the proposed detached garage farther away from the tree alleviates the problem. The tree is one of only a few well established trees on the entire lot and it is the desire of the property owner to keep it in place for that

reason. It is possible that by removing this tree from the front yard, it could also devalue the property by giving it a somewhat barren appearance. For the above reasons, the property owner feels that having to construct a detached garage in compliance with the current setback requirement is not logical and an unreasonable use of the land for the owners of the primary residence.

Question #7:

The requested 10 foot variance is the minimum amount needed to properly locate the detached garage so that the primary residence and the detached garage are symmetrical and conform to the placement of other detached structures on the block. The requested variance allows the homeowner to maintain the aesthetic aspects of a normal residence on the block and not devalue the property. The requested variance will also minimize the risk of damage to the detached garage due to possible broken branches or limbs from the tree located in front of the primary residence. The distance from the middle of the street running in front of the primary residence to the nearest edge of where the unattached garage would be placed using the existing easement is 80 feet. Reducing the amount of setback by 10 feet would have no negative impact. This variance still provides ample space for access to all utilities and future changes to the easement area, such as street widening or addition of sidewalks.

Bismarck**COPY**

CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

CITY OF BISMARCK / ETA & BURLEIGH COUNTYRECEIVED DATE: 5/13/11**CONTACT INFORMATION:**

1. Name:

Paul Jundt

2. Phone Number:

701-226-1558

3. Property Address:

7500 Gray Fox Lane

4. Location of Property:

☐

City of Bismarck

☒

ETA

☐

Burleigh Country

5 Reason for variance

Current setback would put garage under
the existing tree in yard. Garage would be only
5 feet from tree.

To reduce front yard setback to 30

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.

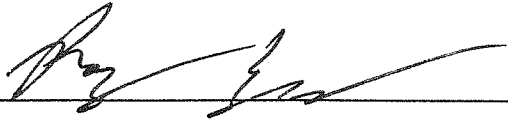
See Attached Photo

7. Your application has been reviewed. It has been:

☐ Approved

☒ Denied

Reviewed By:



Date:

5/16/11

8. Reason for denial:

40' set back is required

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

Gregg Greenquist

Subject: Paul Jundt variance request

From: Scott Weisz
Sent: Tuesday, May 24, 2011 2:16 PM
To: cobplan@nd.gov
Subject: Paul Jundt variance request

Mr. Greenquist,

My property is directly to the south of Paul Jundt's. My address is 7490 Gray Fox Lane. I have no problems at all with the variance reduction that Paul is requesting. In my opinion, it will do no harm to the surrounding properties. I don't think that it will take away from the neighborhood look at all. Most people have detached garages in the neighborhood already, including myself, so it is not like it will look out of place. Again, I have no problems at all with this request.

Thank you,

Scott Weisz
7490 Gray Fox Lane
Bismarck, ND 58503